



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		09/818,729	March 27, 2001
		First Named Inventor	
Daniel Abeshouse		Art Unit	Examiner
3692		Ojo O. Oyeibisi	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 50,575 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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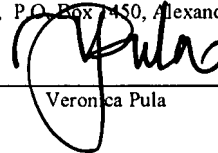
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	ABESHOUSE et al.	Examiner:	Ojo O. Oyebisi
Application No.:	09/818,729	Art Unit:	3692
Filed:	March 27, 2001	Docket No.:	ARIBP047
Title:	METHOD, APPARATUS, AND SYSTEM FOR SYNCHRONIZING TIMING OF AN AUCTION THROUGH A COMPUTER NETWORK		

CERTIFICATE OF MAILING

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June 29 2007.


Veronica Pula

REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed January 29, 2007. The following remarks are respectfully submitted in support of Applicants' pre-appeal brief request for review filed herewith.

Claims 1 and 3-39 are pending. Claim 1 is independent. Claims 3-25 depend from Claim 1. Claim 26 is independent. Claim 27 depends from Claim 26. Claim 28 is independent. Claims 29-33 depend from Claim 28. Claim 34 is independent. Claims 35-36 depend from Claim 34. Claim 37 is independent. Claims 38-39 depend from Claim 37. The Examiner has rejected claims 1 and 3-36 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Examiner has also rejected Claims 1, 3-16, 18, 20, 22, 24-31, and 33-39 (and cancelled claim 40) under 35 U.S.C. §103(a) as being unpatentable over Massey (U.S. Patent No. 5,384,563) in view of Harrington (U.S. Patent No. 6,161,099). The Examiner has also rejected Claims 17, 19, 21, 23, and 32 under 35 U.S.C. §103(a) as being unpatentable over Massey in view of Harrington in view of Alaia (U.S. Patent No. 6,499,018).

The rejections are respectfully traversed. Applicants respectfully submit that the Examiner clearly erred in rejecting the claims under 35 U.S.C. §112, first paragraph and 35 U.S.C. §103(a) because support for the limitation of “calculating a latency-compensated auction time by adding the message travel time to the sponsor auction time at the auction processor” can be found in the Specification, and because that limitation is not taught by Massey, Harrington, or Alaia, either singly or in combination.

Regarding the rejection of all claims under 35 U.S.C. §112, first paragraph, Applicants have previously, and specifically, provided the Examiner with the following support for the limitation:

“Referring again to FIG. 5, after the one-way latency time has been established, the auction processor will update auction time at the participant processor, taking into account the one-way latency time, at 206. Because the one-way latency time is the amount of time required to send a message to the participant processor from the auction processor, in a certain embodiment, the auction time sent to the participant processor may be calculated by adding the one-way latency time to the auction time at the time the auction time message is sent.” (Specification as originally filed, ¶80; U.S. Patent Application Publication No. 2002/0087546, ¶84).

Regarding the rejection of independent claims 1, 26, 28, 34, and 37 under 35 U.S.C. §103(a), Massey discloses determining the difference between the time a message is queued and actually transmitted, and the difference between the time messages are received and actually processed. Thus, Massey discloses only that the real time of the first network when the first message is sent from the first network is correlated to the time messages are received and actually processed at the second network. Massey does not disclose “calculating a latency-compensated auction time *by adding the message travel time to the sponsor auction time*,” (emphasis added) as recited in Claim 1. Neither Harrington nor Alaia supply the missing limitation. Harrington discloses an electronic auction in which bids are submitted before the auction ends. Alaia discloses receiving a bid at an auction processor after the end of bidding time. Thus none of the references, whether taken singly or in combination, recite “calculating a latency-compensated auction time *by adding the message travel time to the sponsor auction time*,” and Claim 1 is believed to be allowable, accordingly.

Independent Claim 26 recites that the latency-computed auction time is “computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor” and is believed to be allowable for the same reasons given above.

Independent Claim 28 recites that the latency-compensated auction time is “computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor” and is believed to be allowable for the same reasons given above.

Independent Claim 34 recites that the latency-compensated auction time is “computed by adding a message travel time form the participant processor to the auction processor to a sponsor auction time at the auction processor” and is believed to be allowable for the same reasons given above.


Independent Claim 37 recites calculating “a latency-compensated auction time by adding the message travel time to an auction processor time” and is believed to be allowable for the same reasons given above.

Claims 3-25 depend from Claim 1, Claim 27 depends from Claim 26, Claims 29-33 depend from Claim 28, Claims 35-36 depend from Claim 34, and Claims 38-39 depend from Claim 37, respectively, and are believed to be allowable for the reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks.

Respectfully submitted,

Dated: 6/29/07



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